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09/630,896	08/02/2000	Timothy J. Moulsley	PHB 34 , 390	7981

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EXAMINER	
GREY, CHRISTOPHER P	

ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/630,896	MOULSLEY ET AL.	
	Examiner	Art Unit	
	CHRISTOPHER P. GREY	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15,17-20,22-25,27-30 and 32-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15,17-20,22-25,27-30 and 32-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 15, 17-20, 22-25, 27-30 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cho (WO 00/13426) in view of Ozkan (US 5838686), and Aftelak (WO 00/07401).

Regarding claim 15, Cho discloses a primary station **(page 5, line 13, base station is equivalent to primary station)** operable to transmit a random access channel status message **(page 5 line 13 teaches a broadcast channel frame being generated)** indicating an availability of random access channel resources **(page 5 lines 13-15, where the frame indicates whether codes/resources are occupied/available or not)**;

a plurality of secondary stations **(page 5 line 15, mobile station)** operable to receive the random access channel status message **(page 5 lines 15-16 where the mobile receives the broadcast channel frame)**, wherein each secondary station **(page 5 line 15, mobile station)** is further operable to determine which random access channel resources to request **(page 5 lines 15-17, where the mobile selects which channel code based on availability, and then transmits a channel assignment**

request) based on the random access channel status message **(page 5 lines 15-17, where the request is generated based on the reception of the broadcast channel message at the mobile)**;

wherein said primary station **(5, line 13, base station is equivalent to primary station)** is further operable to dynamically allocate a bit rate **(page 4 line 25, where a tx rate is dynamically controlled)** to only a single random access channel **(page 5 lines 18-20, see fwd access channel)**, irrespective of the allocated bit rate, in response to a request **(page 5 lines 18-19, see "upon reception of the channel assignment request…sets a transmission rate")** for at least one random access channel resource **(page 5, the channel code, or channel is equivalent to the resource)** from one of said plurality of secondary stations **(page 5 line 15, mobile station)**,

Cho does not specifically disclose the dynamically allocated bit rate being lower than an available bit rate of the channel; and wherein the random access channel status message further indicates which data rates are available on a first random access channel.

Ozkan discloses the dynamically allocated bit rate **(see title of invention, which includes a system for dynamically allocating a resource, also see Col 2 lines 45-47, where the bit rate is dynamically allocated)** being lower than an available bit rate **(the available bit rate is equivalent to a total bit rate discussed in Col 2 lines 51-52, where only a portion of the total bit rate is allocated according to Col 2 lines**

51-53, where if only a portion is allocated, then less than the available bit rate is allocated) of the channel **(Col 2 lines 55 teaches the channel).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the process of allocating a transmission rate of Cho, as taught by Ozkan, since stated in Col 2 lines 23-28, that such a modification would produce acceptable quality, limiting the use of unnecessary bits and the bit rate being insufficient to reproduce data.

The combined teachings of Cho and Ozkan do not specifically disclose wherein the random access channel status message further indicates which data rates are available on a first random access channel.

Aftelak discloses wherein the random access channel status message **(page 9 lines 1-2, where dynamic information transmitted to the subscriber is equivalent to the broadcast channel frame of Cho, which is further equivalent to a status message)** further indicates which data rates are available on a first random access channel **(pages 8 and 9, shows the subscriber units are provided with a first channel or cell that can support high data rate or low data rate transmission. In addition the status information also provides data rates of multiple capabilities).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Cho and Ozkan, as taught by Aftelak, since stated in on page 3 lines 13-15, that such a modification will reduce resource fluctuations and provide better user service.

Regarding claim 17, The combined teachings of Cho and Ozkan do not specifically disclose wherein the random access channel status message further indicates a highest data rate available on a first random access channel.

Aftelak discloses wherein the random access channel status message further indicates a highest data rate available on a first random access channel **(pages 8 and 9, where the status information includes where a first channel or cell can support high data rate or low data rate transmission. In addition the status information also provides data rates of multiple capabilities, thus indicating the highest data rate available on the random access channel).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Cho and Ozkan, as taught by Aftelak, since stated in on page 3 lines 13-15, that such a modification will reduce resource fluctuations and provide better user service.

Regarding claim 18, Cho discloses wherein the random access channel status message **(page 5 line 13 teaches a broadcast channel frame being generated)** is transmitted by said primary station **(page 5, line 13, base station is equivalent to primary station)** as a part of a paging indicator channel **(the frame data of BCCH includes the PID of the mobile, which implies that the mobile station is pages from the network, the mobile station attempts a channel access and when the mobile requests the channel assignment for paging, the mobile station NR and AR fields indicating a reqd assigned band and an additional assigned band respectively are both set to 0 because the mobile does not know a band for**

processing traffic, thus indicating that the BCCH is transmitted as a part of paging and a band acquisition traffic as disclosed on page 11, lines 3-21).

Regarding claim 19, Cho discloses wherein the random access channel status message **(page 5 line 13 teaches a broadcast channel frame being generated)** is transmitted by said primary station **(page 5, line 13, base station is equivalent to primary station)** as a part of an acquisition indication channel **(the frame data of BCCH includes the PID of the mobile, which implies that the mobile station is pages from the network, the mobile station attempts a channel access and when the mobile requests the channel assignment for paging, the mobile station NR and AR fields indicating a reqd assigned band and an additional assigned band respectively are both set to 0 because the mobile does not know a band for processing traffic, thus indicating that the BCCH is transmitted as a part of paging and a band acquisition traffic as disclosed on page 11, lines 3-21).**

Regarding claim 20, Cho discloses means **(page 5, line 13, base station is equivalent to means)** for transmitting a random access channel status message **(page 5 line 13 teaches a broadcast channel frame being generated)** to a plurality of secondary stations **(page 5 line 15, mobile station)**, wherein the random access channel status message **(page 5 line 13 teaches a broadcast channel frame being generated)** indicates an availability of random access channel resources **(page 5 lines 13-15, where the frame indicates whether codes/resources are occupied/available or not)**; and

means **(page 5, line 13, base station is equivalent to means)** for dynamically allocating a bit rate **(page 4 line 25, where a tx rate is dynamically controlled)** to only a single random access channel **(page 5 lines 18-20, see fwd access channel)** irrespective of the allocated bit rate **(page 4 line 25, where a tx rate is dynamically controlled)**, in response to a request **(page 5 lines 18-19, see "upon reception of the channel assignment request...sets a transmission rate")** from one of said plurality, of secondary stations **(page 5 line 15, mobile station)** for at least one random access channel resource **(page 5, the channel code, or channel is equivalent to the resource)** based on the random access channel status message;

Cho does not specifically disclose the dynamically allocated bit rate being lower than art available *bit* rate of the channel and wherein the random access channel status message further indicates which data rates are available on a first random access channel.

Ozkan discloses the dynamically allocated bit rate **(see title of invention, which includes a system for dynamically allocating a resource, also see Col 2 lines 45-47, where the bit rate is dynamically allocated)** being lower than an available bit rate **(the available bit rate is equivalent to a total bit rate discussed in Col 2 lines 51-52, where only a portion of the total bit rate is allocated according to Col 2 lines 51-53, where if only a portion is allocated, then less than the available bit rate is allocated)** of the channel **(Col 2 lines 55 teaches the channel).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the process of allocating a transmission rate of Cho,

as taught by Ozkan, since stated in Col 2 lines 23-28, that such a modification would produce acceptable quality, limiting the use of unnecessary bits and the bit rate being insufficient to reproduce data.

The combined teachings of Cho and Ozkan do not specifically disclose wherein the random access channel status message further indicates which data rates are available on a first random access channel.

Aftelak discloses wherein the random access channel status message **(page 9 lines 1-2, where dynamic information transmitted to the subscriber is equivalent to the broadcast channel frame of Cho, which is further equivalent to a status message)** further indicates which data rates are available on a first random access channel **(pages 8 and 9, shows the subscriber units are provided with a first channel or cell that can support high data rate or low data rate transmission. In addition the status information also provides data rates of multiple capabilities).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Cho and Ozkan, as taught by Aftelak, since stated in on page 3 lines 13-15, that such a modification will reduce resource fluctuations and provide better user service.

Regarding claim 22, The combined teachings of Cho and Ozkan do not specifically disclose wherein the random access channel status message further indicates a highest data rate available on a first random access channel.

Aftelak discloses wherein the random access channel status message further indicates a highest data rate available on a first random access channel **(pages 8 and**

9, where the status information includes where a first channel or cell can support high data rate or low data rate transmission. In addition the status information also provides data rates of multiple capabilities, thus indicating the highest data rate available on the random access channel).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Cho and Ozkan, as taught by Aftelak, since stated in on page 3 lines 13-15, that such a modification will reduce resource fluctuations and provide better user service.

Regarding claim 23, Cho discloses wherein the random access channel status message **(page 5 line 13 teaches a broadcast channel frame being generated)** is transmitted by said primary station **(page 5, line 13, base station is equivalent to primary station)** as a part of a paging indicator channel **(the frame data of BCCH includes the PID of the mobile, which implies that the mobile station is pages from the network, the mobile station attempts a channel access and when the mobile requests the channel assignment for paging, the mobile station NR and AR fields indicating a reqd assigned band and an additional assigned band respectively are both set to 0 because the mobile does not know a band for processing traffic, thus indicating that the BCCH is transmitted as a part of paging and a band acquisition traffic as disclosed on page 11, lines 3-21).**

Regarding claim 24, Cho discloses wherein the random access channel status message (page 5 line 13 teaches a broadcast channel frame being generated) is transmitted by said primary station (page 5, line 13, base station is equivalent to primary

station) as a part of an acquisition indication channel (the frame data of BCCH includes the PID of the mobile, which implies that the mobile station is pages from the network, the mobile station attempts a channel access and when the mobile requests the channel assignment for paging, the mobile station NR and AR fields indicating a reqd assigned band and an additional assigned band respectively are both set to 0 because the mobile does not know a band for processing traffic, thus indicating that the BCCH is transmitted as a part of paging and a band acquisition traffic as disclosed on page 11, lines 3-21).

Regarding claim 25. Cho discloses means **(page 5 line 15, mobile station)** for receiving a random access channel status message **(page 5 line 13 teaches a broadcast channel frame being generated)** from a primary station **(page 5, line 13, base station is equivalent to primary station)**, wherein the random access channel status message **(page 5 line 13 teaches a broadcast channel frame being generated)** indicates an availability of random access channel resources **(page 5 lines 13-15, where the frame indicates whether codes/resources are occupied/available or not)** and further indicates a dynamic allocation of bit rates **(page 4 line 25, where a tx rate is dynamically controlled)** to random access channels by the primary station **(page 5, line 13, base station is equivalent to primary station)**; and

means for requesting **(page 5 lines 15-17, where the mobile selects which channel code based on availability, and then transmits a channel assignment request)** only a single random access channel from the primary station **(page 5, line 13, base station is equivalent to primary station)**, irrespective of

the dynamically allocated bit rate **(page 4 line 25, where a tx rate is dynamically controlled)**, based on the random access channel status message;

Cho does not specifically disclose the dynamically allocated bit rates being lower than available bit rates of the channels and wherein the random access channel status message further indicates which data rates are available on a first random access channel.

Ozkan discloses the dynamically allocated bit rate **(see title of invention, which includes a system for dynamically allocating a resource, also see Col 2 lines 45-47, where the bit rate is dynamically allocated)** being lower than an available bit rate **(the available bit rate is equivalent to a total bit rate discussed in Col 2 lines 51-52, where only a portion of the total bit rate is allocated according to Col 2 lines 51-53, where if only a portion is allocated, then less than the available bit rate is allocated)** of the channel **(Col 2 lines 55 teaches the channel).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the process of allocating a transmission rate of Cho, as taught by Ozkan, since stated in Col 2 lines 23-28, that such a modification would produce acceptable quality, limiting the use of unnecessary bits and the bit rate being insufficient to reproduce data.

The combined teachings of Cho and Ozkan do not specifically disclose wherein the random access channel status message further indicates which data rates are available on a first random access channel.

Aftelak discloses wherein the random access channel status message **(page 9 lines 1-2, where dynamic information transmitted to the subscriber is equivalent to the broadcast channel frame of Cho, which is further equivalent to a status message)** further indicates which data rates are available on a first random access channel **(pages 8 and 9, shows the subscriber units are provided with a first channel or cell that can support high data rate or low data rate transmission. In addition the status information also provides data rates of multiple capabilities).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Cho and Ozkan, as taught by Aftelak, since stated in on page 3 lines 13-15, that such a modification will reduce resource fluctuations and provide better user service.

Regarding claim 27, The combined teachings of Cho and Ozkan do not specifically disclose wherein the random access channel status message further indicates a highest data rate available on a first random access channel.

Aftelak discloses wherein the random access channel status message further indicates a highest data rate available on a first random access channel **(pages 8 and 9, where the status information includes where a first channel or cell can support high data rate or low data rate transmission. In addition the status information also provides data rates of multiple capabilities, thus indicating the highest data rate available on the random access channel).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Cho and Ozkan, as taught

by Aftelak, since stated in on page 3 lines 13-15, that such a modification will reduce resource fluctuations and provide better user service.

Regarding claim 28, Cho discloses wherein the random access channel status message **(page 5 line 13 teaches a broadcast channel frame being generated)** is transmitted by said primary station **(page 5, line 13, base station is equivalent to primary station)** as a part of a paging indicator channel **(the frame data of BCCH includes the PID of the mobile, which implies that the mobile station is pages from the network, the mobile station attempts a channel access and when the mobile requests the channel assignment for paging, the mobile station NR and AR fields indicating a reqd assigned band and an additional assigned band respectively are both set to 0 because the mobile does not know a band for processing traffic, thus indicating that the BCCH is transmitted as a part of paging and a band acquisition traffic as disclosed on page 11, lines 3-21).**

Regarding claim 29, Cho discloses wherein the random access channel status message **(page 5 line 13 teaches a broadcast channel frame being generated)** is transmitted by said primary station **(page 5, line 13, base station is equivalent to primary station)** as a part of an acquisition indication channel **(the frame data of BCCH includes the PID of the mobile, which implies that the mobile station is pages from the network, the mobile station attempts a channel access and when the mobile requests the channel assignment for paging, the mobile station NR and AR fields indicating a reqd assigned band and an additional assigned band respectively are both set to 0 because the mobile does not know a**

band for processing traffic, thus indicating that the BCCH is transmitted as a part of paging and a band acquisition traffic as disclosed on page 11, lines 3-21).

Regarding claim 30, Cho discloses transmitting from a primary, station **(page 5, line 13, base station is equivalent to primary station)**, a random access channel status message **(page 5 line 13 teaches a broadcast channel frame being generated)** indicating the availability of random access channel resources **(page 5 lines 13-15, where the frame indicates whether codes/resources are occupied/available or not)**;

receiving at a secondary station **(page 5 line 15, mobile station)**, the random access channel status message **(page 5 line 13 teaches a broadcast channel frame being generated)**;

determining at the secondary station **(page 5 line 15, mobile station)**, what random access channel resources are available **(page 5 lines 15-17, where the mobile selects which channel code based on availability, and then transmits a channel assignment request)** at the primary station **(page 5, line 13, base station is equivalent to primary station)** based on the received random access channel status message **(page 5 lines 15-17, where the request is generated based on the reception of the broadcast channel message at the mobile)**;

requesting **(page 5 lines 15-17, where the mobile selects which channel code based on availability, and then transmits a channel assignment request)** at the secondary station **(page 5 line 15, mobile station)**, a random access channel

resource **(page 5, the channel code, or channel is equivalent to the resource)** from the primary station **(page 5, line 13, base station is equivalent to primary station)** based on the determination; and

dynamically allocating a bit rate **(page 4 line 25, where a tx rate is dynamically controlled)** at the primary station **(page 5, line 13, base station is equivalent to primary station)** to only a single random access channel **(page 5 lines 18-20, see fwd access channel)**, irrespective of the dynamically allocated bit rate **(page 4 line 25, where a tx rate is dynamically controlled)**, in response to the request **(page 5 lines 18-19, see "upon reception of the channel assignment request…sets a transmission rate")** for the random access channel resource **(page 5, the channel code, or channel is equivalent to the resource)** from the secondary station **(page 5 line 15, mobile station)**.

Cho does not specifically disclose the dynamically allocated bit rate being lower than an available bit rate of the channel; wherein the random access channel status message further indicates which data

Ozkan discloses the dynamically allocated bit rate **(see title of invention, which includes a system for dynamically allocating a resource, also see Col 2 lines 45-47, where the bit rate is dynamically allocated)** being lower than an available bit rate **(the available bit rate is equivalent to a total bit rate discussed in Col 2 lines 51-52, where only a portion of the total bit rate is allocated according to Col 2 lines**

51-53, where if only a portion is allocated, then less than the available bit rate is allocated) of the channel **(Col 2 lines 55 teaches the channel).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the process of allocating a transmission rate of Cho, as taught by Ozkan, since stated in Col 2 lines 23-28, that such a modification would produce acceptable quality, limiting the use of unnecessary bits and the bit rate being insufficient to reproduce data.

The combined teachings of Cho and Ozkan do not specifically disclose wherein the random access channel status message further indicates which data rates are available on a first random access channel.

Aftelak discloses wherein the random access channel status message **(page 9 lines 1-2, where dynamic information transmitted to the subscriber is equivalent to the broadcast channel frame of Cho, which is further equivalent to a status message)** further indicates which data rates are available on a first random access channel **(pages 8 and 9, shows the subscriber units are provided with a first channel or cell that can support high data rate or low data rate transmission. In addition the status information also provides data rates of multiple capabilities).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Cho and Ozkan, as taught by Aftelak, since stated in on page 3 lines 13-15, that such a modification will reduce resource fluctuations and provide better user service.

Regarding claim 32, The combined teachings of Cho and Ozkan do not specifically disclose wherein the random access channel status message further indicates a highest data rate available on a first random access channel.

Aftelak discloses wherein the random access channel status message further indicates a highest data rate available on a first random access channel **(pages 8 and 9, where the status information includes where a first channel or cell can support high data rate or low data rate transmission. In addition the status information also provides data rates of multiple capabilities, thus indicating the highest data rate available on the random access channel).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Cho and Ozkan, as taught by Aftelak, since stated in on page 3 lines 13-15, that such a modification will reduce resource fluctuations and provide better user service.

Regarding claim 33, Cho discloses wherein the random access channel status message **(page 5 line 13 teaches a broadcast channel frame being generated)** is transmitted by said primary station **(page 5, line 13, base station is equivalent to primary station)** as a part of a paging indicator channel **(the frame data of BCCH includes the PID of the mobile, which implies that the mobile station is pages from the network, the mobile station attempts a channel access and when the mobile requests the channel assignment for paging, the mobile station NR and AR fields indicating a reqd assigned band and an additional assigned band respectively are both set to 0 because the mobile does not know a band for**

processing traffic, thus indicating that the BCCH is transmitted as a part of paging and a band acquisition traffic as disclosed on page 11, lines 3-21).

Regarding claim 34, Cho discloses wherein the random access channel status message **(page 5 line 13 teaches a broadcast channel frame being generated)** is transmitted by said primary station **(page 5, line 13, base station is equivalent to primary station)** as a part of an acquisition indication channel **(the frame data of BCCH includes the PID of the mobile, which implies that the mobile station is pages from the network, the mobile station attempts a channel access and when the mobile requests the channel assignment for paging, the mobile station NR and AR fields indicating a reqd assigned band and an additional assigned band respectively are both set to 0 because the mobile does not know a band for processing traffic, thus indicating that the BCCH is transmitted as a part of paging and a band acquisition traffic as disclosed on page 11, lines 3-21).**

Response to Arguments

3. Applicant's arguments with respect to claims 15, 20, 25 and 30, specifically pertaining to the amended "the dynamically allocated bit rate being lower than an available bit rate of the channel" have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's arguments filed on 5/5/08 have been fully considered but they are not persuasive.

a. The applicant argued that the cited art does not specifically disclose "a primary station operable to transmit a random access channel status message indicating an availability of random access channel resources".

The examiner respectfully disagrees with the applicants remarks, as Cho discloses a primary station **(page 5, line 13, base station is equivalent to primary station)** operable to transmit a random access channel status message **(page 5 line 13 teaches a broadcast channel frame being generated)** indicating an availability of random access channel resources **(page 5 lines 13-15, where the frame indicates whether codes/resources are occupied/available or not).**

b. The applicant argued that the cited art does not specifically disclose, "wherein the random access channel status message further indicates which data rates are available on a first random access channel".

Cho teaches a random access channel status message in the form of a broadcast channel frame being transmitted. Furthermore, Aftelak is introduced to teach that several different types of information can be broadcast within the broadcast channel frame of Cho as shown in a-j on pages 8-9. Specifically, Aftelak teaches that the capability/data rate of the users is a type of information that is broadcast according to (e) on page 8, where the capability/data rate of the user indicates the data rate that will be used on the channel/link that connects the user and the base station.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER P. GREY whose telephone number is (571)272-3160. The examiner can normally be reached on 10AM-7:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moe Aung can be reached on (571)272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/
Supervisory Patent Examiner, Art Unit 2616

/Christopher P Grey/
Examiner, Art Unit 2616